

Enforcement Action Routing Slip

Letter To: Ms. Annette Ackeman, Placitas Trails Water Cooperative

Signature For: Karen E. Gallegos

Review Date: December 7, 2009

Subject: Administrative Compliance Order No. 2009-CO-034

Date Signed: _____

Comments:

Rec'd 12-7-09

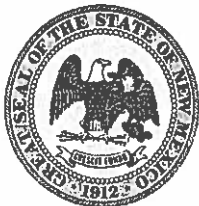
Why are the compliance dates different
from Juniper bills?

Comp 1/31/13

RAA 1/31/14

Signed 12-9-09

Copy please - Jex, K



BILL RICHARDSON
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT
Water & Wastewater Infrastructure
Development Division
DRINKING WATER BUREAU
525 Camino de Los Marquez, Suite 4
Santa Fe, New Mexico 87505
Telephone (505)476-8620
Fax (505)476-8656
www.nmenv.state.nm.us/dwb/dwbtop.html



Hwy
RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

KAREN E. GALLEGOS
Director

CERTIFIED RETURN RECEIPT REQUESTED

7005-1820-0001-5707-9680

December 9, 2009

Annette Ackeman
Placitas Trails Water Cooperative
1 Ridge Ct.
Placitas, New Mexico 87043

RE: Administrative Compliance Order, NO. 2009-CO-034, Placitas Trails Water Cooperative, PWS# NM3576723

Dear Ms. Ackeman:

Please find attached Administrative Compliance Order No. 2009-CO-034, issued to Placitas Trails Water Cooperative, PWS# NM3576723, under the Environmental Improvement Act, NMSA 1978, § 74-1-10 and the Drinking Water Regulations, 20.7.10 NMAC. Please review the Administrative Compliance Order (Order) carefully to understand what actions must be taken to comply with the requirements of the Order. Placitas Trails Water Cooperative has a right to answer the allegations in the Order and request a hearing, pursuant to NMSA 1978, §§ 74-1-10.E (available at www.nmenv.state.nm.us).

If you have any questions or need assistance with meeting the requirements of this Order, please contact Andy Edmondson, Technical Services Manager at 505-476-8631 or via e-mail at andy.edmondson@state.nm.us.

Sincerely,

Karen E. Gallegos, Director
Water & Wastewater Infrastructure
Development Division

cc. Jerry Lewis, Water System Specialist, District I
Jacob Sanders, Technical Services Specialist
Chelo Hall, Region 6, EPA (Electronic)
Electronic File
Central File

**STATE OF NEW MEXICO
SECRETARY OF ENVIRONMENT**

**NEW MEXICO ENVIRONMENT DEPARTMENT
WATER & WASTEWATER INFRASTRUCTURE
DEVELOPMENT DIVISION
DRINKING WATER BUREAU**

Complainant,

No. 2009-CO-034

v.

**Placitas Trails Water Cooperative,
PWS# NM3576723**

Respondent.

ADMINISTRATIVE COMPLIANCE ORDER

Pursuant to the Environmental Improvement Act ("EIA"), NMSA 1978, § 74-1-10, the Drinking Water Regulations ("DW Regulations"), 20.7.10 NMAC, the Secretary of the New Mexico Environment Department ("NMED"), acting through the Director of the Water & Wastewater Infrastructure Development Division of the NMED, issues this Administrative Compliance Order ("Order") to Placitas Trails Water Cooperative ("Respondent") to enforce the EIA and the DW Regulations.

FINDINGS OF FACT

1. The NMED is an executive agency within the government of the State of New Mexico and is charged with administration and enforcement of the EIA and the DW Regulations.
2. Respondent owns and operates a public drinking water system (System) located in Sandoval County, New Mexico.

MCL in Well #3 for Arsenic during the first quarter of 2009 with a RAA of 0.011 mg/L, second quarter of 2009 with a RAA of 0.016 mg/L, and third quarter of 2009 with a RAA of 0.031 mg/L.

VIOLATION TWO (2)

9. Respondent is in violation of Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.62(b), *Maximum contaminant levels (MCL) for inorganic contaminants*, which requires a public water system to not exceed the Arsenic MCL of 0.010 mg/L. Respondent exceeded the MCL in Well #4 for Arsenic during the fourth quarter of 2007 with a RAA of 0.015 mg/L, first quarter of 2008 with a RAA of 0.026 mg/L, second quarter of 2008 with a RAA of 0.033 mg/L, third quarter of 2008 with a RAA of 0.044 mg/L, fourth quarter of 2008 with a RAA of 0.040 mg/L, first quarter of 2009 with a RAA of 0.040 mg/L, second quarter of 2009 with a RAA of 0.042 mg/L, and third quarter of 2009 with a RAA of 0.042 mg/L.

RETURN TO COMPLIANCE

Based upon the foregoing findings, Respondent is hereby ordered to comply with the following:

10. By January 31, 2010, submit a proposed corrective action plan to NMED identifying the steps that will be taken to bring the water system into full compliance with Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.62(b), *MCL for inorganic contaminants*, Arsenic. The corrective action plan must include a date for completion of an engineering study to determine the best available option to enable long-term compliance with the provisions of 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.62(b), *MCL for inorganic contaminants*, Arsenic and a completion date for implementing the best available option.

of this Order, Respondent may mail or deliver within thirty (30) days of receipt of this Order a written Request for Hearing to the following address:

**Hearing Clerk
New Mexico Environment Department
P.O. Box 5469
Santa Fe, New Mexico 87502**

Respondent must attach a copy of this Order to the Request for Hearing. 20.1.5.200A(2)(d) NMAC.

The Request for Hearing shall include an Answer. Respondent's Answer shall clearly and directly admit, deny or explain each of the factual allegations contained in this Order with regard to which Respondent has any knowledge. Where Respondent has no knowledge of a particular factual allegations, Respondent should so state, and the Respondent may deny the allegation on that basis. Any allegation of this Order not specifically denied shall be deemed admitted. 20.1.5.200A(2)(a) NMAC.

Respondent's Answer shall also include any affirmative defenses upon which Respondent intends to rely. Any affirmative defense not asserted in the Answer, except a defense asserting lack of subject matter jurisdiction, shall be deemed waived. 20.15.200.A(2)(b) NMAC.

Lastly, Respondent's Answers shall be signed under oath or affirmation that the information contained therein is to the best of the signer's knowledge believed to be true and correct. 20.1.5.200.A(2)(c) NMAC.

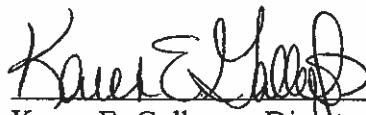
FINALITY OF ORDER

Pursuant to NMSA 1978, §§ 74-1-10.E, this Order shall become final unless the Respondent files a request for hearing with the hearing clerk within thirty (30) days of receipt of this Order.

TERMINATION

This Order shall terminate when Respondent certifies that all requirements of this Order have been met and the NMED has approved such certification in writing. NMED shall not approve such certification until Respondent has maintained a RAA for Arsenic at or below the MCL in accordance with Section 20.7.10.100 NMAC, incorporating 40 C.F.R. § 141.62(b), and 40 C.F.R. § 141.23(i) (1) for five consecutive quarters, or when the Secretary approves a Final Stipulated Order.

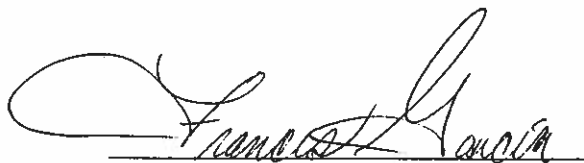
12-9-2009
Date


Karen E. Gallegos, Director
Water & Wastewater Infrastructure
Development Division
525 Camino de los Marquez, Suite 4
Santa Fe, New Mexico 87505
(505) 476-8611

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Administrative Compliance Order was sent via certified return receipt requested on the following party of record on December 9th, 2009.

Ms. Annette Ackeman
Placitas Trails Water Cooperative
1 Ridge Ct.
Placitas, New Mexico 87043


Frances Garcia